EXHIBIT A

COPY FOR SERVICE

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

SUMMONS IN A CIVIL ACTION
TEMPORARY HEARING SCHEDULED

Case Name: **League of Women Voters of New Hampshire, et al v William M Gardner, et al**
Case Numbers: **226-2017-CV-00433**

Date Complaint Filed:

A Complaint has been filed against William M Gardner; Gordon J. MacDonald ESQ in this Court. A Copy of the Complaint is attached.

This Court has scheduled the following: **Temporary Hearing**

Date: September 06, 2017 **Location: 30 Spring Street Nashua NH 03060**

Time: 10:30 AM

Time Allotted: 1 Hour 30 Minutes

If more time is needed for this hearing, contact the Court immediately.

The Court ORDERS that ON OR BEFORE:

	League of Women Voters of New Hampshire; Adriana Lopera; Douglas Marino; Garrett Muscatel shall have this Summons and the attached Complaint served upon William M Gardner; Gordon J. MacDonald ESQ at abode.
September 06, 2017	League of Women Voters of New Hampshire; Adriana Lopera; Douglas Marino; Garrett Muscatel shall file the return of service with this Court. Failure to do so may result in this action being dismissed without further notice.
September 06, 2017	William M Gardner; Gordon J. MacDonald ESQ shall file an Appearance with this Court. A copy of the Appearance must be sent to the party listed below and any other party who has filed an Appearance in this matter.
30 days after service	William M Gardner; Gordon J. MacDonald ESQ must file an Answer or other responsive pleading with this Court. A copy of the Answer or other responsive pleading must be sent to the party listed below and any other party who has filed an Appearance in this matter.

Notice to William M Gardner; Gordon J. MacDonald ESQ: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

Send copies to:

Henry R. Klementowicz, ESQ
McLane Middleton Professional Association
900 Elm St
PO Box 326
Manchester NH 03105-0326

BY ORDER OF THE COURT

August 24, 2017

Marshall A. Buttrick
Clerk of Court

(564)

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS. SUPERIOR COURT
SOUTHERN DISTRICT

Docket No. ________________

LEAGUE OF WOMEN VOTERS OF NEW HAMPSHIRE,
DOUGLAS MARINO,
GARRETT MUSCATEL, and
ADRIANA LOPERA

v.

WILLIAM M. GARDNER,
in his official capacity as the New Hampshire Secretary of State; and
GORDON MACDONALD,
in his official capacity as the New Hampshire Attorney General

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, League of Women Voters of New Hampshire, Douglas Marino, Garrett Muscatel, and Adriana Lopera, by and through counsel, Paul Twomey, Esq., McLane Middleton, Professional Association, and Perkins Coie LLP, bring this Complaint for a declaratory judgment and preliminary and permanent injunction and state as follows:

INTRODUCTION

1. Historically, New Hampshire has had high voter turnout and virtually no voter fraud. Nevertheless, the New Hampshire legislature (the "General Court") restricted access to the franchise under the guise of preventing voter fraud by enacting Senate Bill 3 (2017) ("SB 3"), which was signed into law by Governor Christopher Sununu on July 10, 2017. The enacted version of SB 3 is attached as Exhibit A.

2. SB 3 imposes several brand new, highly confusing, unnecessary, and intimidating hurdles to voting. It will not only burden and, in some cases, disenfranchise eligible, lawful New

Hampshire citizens, but will expose countless innocent voters to criminal and civil liability, not for casting a ballot that they were ineligible to cast or for otherwise committing "voter fraud" as that term is typically understood, but simply for failing to understand or comply with confusing and burdensome paperwork requirements. Whether considered under the New Hampshire or United States Constitutions, SB 3 should be enjoined and declared unlawful.

3. Among other things, SB 3 now requires all people seeking to register to vote to present documentary evidence of "a verifiable act or acts carrying out" their intent to be domiciled in New Hampshire. This ill-defined mandate means that potential voters who are otherwise eligible to vote based on age, citizenship, and domiciliary intent, must produce additional paperwork to "prove" that they do in fact intend to be domiciled where they register.

4. Those who seek to register more than 30 days before Election Day who are unable to present such documentation, or for whom producing such documentation is unduly burdensome, will be denied their right to register. This is true even if these potential voters are legitimately domiciled in their town or ward and wholly qualified to vote.

5. Those who attempt to register within 30 days of or on Election Day and are unable to present such documentation must complete different, lengthy registration forms that outline a deeply complicated domicile verification procedure. Despite the incomprehensibility of the forms, registrants must affirm, under penalties for voting fraud, that they understand the forms and are qualified to vote. They will be allowed to vote without presenting documentation, but they will face a double-edged sword. They must either swear they will present the required documentation shortly after Election Day (and be subject to hefty criminal and civil penalties if they do not) or swear they are not aware of the existence of any suitable documentary evidence (and expressly acknowledge that investigations to verify their domicile will result). They must

elect one of these verification methods, even if they are perfectly qualified to vote. If they do not elect one of these methods—neither of which is justified by the General Court's purported interest in combatting non-existent fraud—they will not be permitted to vote.

6. The burdens fall disproportionately on New Hampshire's young, low-income, and minority groups and those who have recently moved within or into the state—all of whom are most likely to register close to or on Election Day—resulting in the arbitrary and differential treatment of similarly situated New Hampshire citizens. Indeed, the legislative history shows that SB 3 was passed with the purpose of suppressing the vote of young people—specifically, college students, who are more likely than others to have difficulty producing the requisite documentation in the time frames required, and thus will be most seriously harmed by the law.

7. The confusing and cumbersome procedures that SB 3 now mandates will not just deter qualified potential voters from voting, but will also make it difficult for election officials to efficiently and timely register voters, further contributing to already long lines at polling places, which will make the burdens on those who seek to register using same day registration more severe. Those who are already registered but are simply attempting to vote will be similarly burdened by slow-moving lines.

8. To protect themselves and thousands like them and/or their members and constituents from the denial or abridgment of their right to vote, Plaintiffs seek equitable relief pursuant to the New Hampshire and U.S. Constitutions, including a declaratory judgment that SB 3 is unconstitutional.

PLAINTIFFS

9. Plaintiff LEAGUE OF WOMEN VOTERS OF NEW HAMPSHIRE (LWVNH) is a nonpartisan community-based political organization, with its principal place of business at 4

Park Street, Room 200, Concord, New Hampshire. LWVNH is dedicated to encouraging informed and active participation of citizens in government. To achieve its mission, LWVNH presents unbiased nonpartisan information about elections, the voting process, and relevant public policy issues in clear and simple language to New Hampshire citizens. LWVNH encourages its members and the people of New Hampshire to exercise their right to vote as protected by the U.S. and New Hampshire Constitutions. LWVNH also engages in policy advocacy to protect the public interest, actively researching public policies, publishing position papers and studies, and testifying about the impact of policies before the General Court. LWVNH testified in opposition to SB 3. Currently, LWVNH has five local leagues, including a unit in the Greater Nashua Area with 40 members, and approximately 230 members statewide, each of whom, on information and belief, is a registered New Hampshire voter. LWVNH is affiliated with the League of Women Voters of the United States. LWVNH began as an organization focused on the needs of women and the training of women voters and has evolved into an organization concerned with educating, advocating for, and empowering all New Hampshire citizens. LWVNH is engaged in numerous voter education activities across New Hampshire, including distribution of thousands of flyers and brochures—designed and created by LWVNH—explaining the 2012 voter ID requirements and New Hampshire's voter registration procedures. These publications are directed to both voters and local elections clerks to help voters understand these requirements and procedures and protect against their implementation in ways that could seriously burden the right to vote. Unless SB 3 is declared unlawful and enjoined, LWVNH will have to launch a new voter education campaign specifically focused on educating voters as well as clerks in New Hampshire municipalities about SB 3 and New Hampshire's new domicile requirements. Further, as part of LWVNH's voter education efforts, LWVNH works to simplify complex election laws for voters, making it easier for them to understand and navigate the voting process. In 2012, that included presentations to disability rights groups, seniors in assisted living, and community groups so that those who had no driver's licenses understood the options for voter identification available to them. Given the complexity of SB 3, however, LWVNH will have to undertake a substantial effort to "translate" the law for the voting public and is deeply concerned that it will not be able to do so successfully. In addition, LWVNH's local leagues are engaged in numerous activities, including hosting town hall meetings and open discussions on issues of importance to the community. Individual league members invest substantial time and effort in voter training and civic engagement activities, including encouraging voter registration and get-out-the-vote ("GOTV") efforts generally, as well as specific voter education efforts aimed at student voters at the University of New Hampshire and, in the past, arranging for voter registration days at Dartmouth College. Given the particular impact of SB 3 on young voters, LWVNH anticipates that it will have to increase the extent of voter education activities it performs on college campuses in advance of the 2018 midterm elections. LWVNH also devotes substantial time and effort to ensuring that government at every level works as effectively and fairly as possible. This work involves continual attention to and advocacy concerning issues of transparency, a strong and diverse judiciary, and appropriate government oversight. In particular, LWVNH devotes a substantial effort to educating the public about the incarceration of women and their transitions back to the general population, publishing a number of studies on the issue and also giving community presentations. LWVNH is also concerned about the impact that SB 3 will have on women and men transitioning from prison to public life as many of these individuals will not have permanent or long-term housing as they transition and thus will have particular difficulties producing satisfactory evidence of domicile. LWVNH anticipates that it will have to engage in additional education efforts directed at this constituency for this reason.

10. Plaintiff DOUGLAS MARINO is 21 years old and a senior at the University of New Hampshire in Durham, New Hampshire. He is domiciled and resides with his family at 49 Vineyard Drive, Stratham, New Hampshire. Prior to his freshman year, Marino was domiciled and lived with his family in Newfields, New Hampshire. During his freshman and sophomore years, Marino was domiciled in Durham, living in two different dorms, and during his junior year, he became domiciled in Stratham and commuted to Durham. Marino has registered to vote in New Hampshire three times: (1) when he was 18 and in high school, he registered where he lived with his family in Newfields; (2) when he went to college and lived in a dorm, he registered in Durham; and (3) when he was 21, after he had moved to Stratham to live with his family, he registered in Stratham. Marino changed his voter registration to Stratham because he is domiciled there. When registering to vote, Marino presented either his driver's license or school identification card (which does not contain his address). Marino will likely move again within New Hampshire after he graduates from college in the Spring of 2018, but SB 3 will burden his ability to re-register to vote in the future. To the extent he has to re-register, it will be difficult for him to obtain the documentation required by SB 3. For example, he does not own a vehicle, nor does he know of receiving any government check, benefit statement, or tax document with his address on it. His name does not appear on the utility bills or the deed to his parents' home, and he does not have a rental agreement to live there. Marino has been actively involved in educating other students about voting in New Hampshire and engaging in GOTV efforts, and he plans to continue these activities in the future. Marino is concerned that SB 3 will make registering to vote more difficult for students in New Hampshire and will result in fewer

students voting. He is especially concerned that the SB 3 requirement to present documentary evidence after Election Day will be very difficult for University of New Hampshire students because they study for exams in November and generally travel to be with their families for Thanksgiving. SB 3 will burden Marino's ability to engage in effective voter education and GOTV efforts because his resources for doing so will be diverted to activities related to explaining the confusing registration requirements under the law.

11. Plaintiff GARRETT MUSCATEL is 19 years old, domiciled in Hanover, New Hampshire, where he is a sophomore student at Dartmouth College. He currently temporarily resides at 863 West Stafford Road, Thousand Oaks, California. In September, he will move into a dorm on campus at Dartmouth. He intends to continue his education at Dartmouth until June 2020, his anticipated date of graduation, and he intends to remain domiciled in Hanover at least until he graduates from Dartmouth. During his freshman year, Muscatel lived in a different dorm on campus, and prior to his freshman year, Muscatel lived with his family in Thousand Oaks, California. Muscatel has registered to vote two times: (1) at 18 years old, he registered in Thousand Oaks, California, when he was in high school; and (2) in October 2016, he registered to vote in Hanover because he spends the majority of his time there and believes that the actions of the New Hampshire government affect him more than the California government. When he registered to vote in New Hampshire, Muscatel presented his California driver's license and his student identification card (which does not contain his address), in addition to signing an affidavit. Muscatel will move again after his sophomore year, because he cannot continue residing in his sophomore dormitory after the conclusion of the academic year. To the extent he has to re-register to vote in New Hampshire, SB 3 will burden his ability to re-register because it will be difficult for him to obtain the documentation required by SB 3. For example, he does not

have a New Hampshire driver's license. He does not own a vehicle. Having lived in the dorms, he has never paid a water, electricity, gas, or other public utility bill. He does not know of any government check, benefit statement, or tax document with his New Hampshire address. He does not receive mail at his dormitory address, as his mail is sent to a box at the campus mailing center. He does not currently know how long the process would take for obtaining documentation from Dartmouth College to prove his domicile. Muscatel is concerned that the requirement under SB 3 to present documentation after Election Day will be particularly difficult for Dartmouth College students because exams occur in November, and the term ends before Thanksgiving, at which point students generally travel to be with their families for the holidays. Muscatel has engaged in voter education efforts with students and GOTV activities, and he plans on continuing these activities in the future. He is concerned that SB 3 is difficult to understand and will reduce student voter registration and turnout and will burden his ability to engage in effective voter education and GOTV efforts because his resources for doing so will be diverted to activities related to explaining the confusing registration requirements under SB 3.

12. Plaintiff ADRIANA LOPERA is 29 years old and currently resides in Medford, Massachusetts. Lopera is looking forward to moving to 137 Chestnut St, Nashua, New Hampshire on August 26, 2017. Lopera intends to be domiciled at her new address in New Hampshire and is hoping to register to vote there. Once she resides in Nashua, Lopera will continue to commute up to two hours each way to her job at the Betsy Lehman Center for Patient Safety in Boston, Massachusetts. Lopera has previously registered to vote twice. First, in her home state of Rhode Island, and then in Massachusetts. Both times she registered through the Division of Motor Vehicles (DMV) and, as a result, is not familiar with how to register to vote in New Hampshire, which does not provide for voter registration at the DMV. Voter registration in

Nashua is only available during business hours on week days. Because her long commute keeps her out of New Hampshire during business hours, Lopera may have to take time off of work in order to register to vote in person. Lopera is confused by the requirements of SB 3 and is not certain what documentation she will need to provide to prove her domicile in order to register to vote. The lease on her apartment in Nashua only lasts one year. Even if she is able to register at her new address in Nashua, if she moves to a different ward or town once her lease is over she will have to re-register to vote and will again be subject to the requirements of SB 3.

DEFENDANTS

13. Defendant WILLIAM M. GARDNER is the New Hampshire Secretary of State (the "Secretary") and is named as a Defendant in his official capacity. He is the chief elections officer in charge of administering New Hampshire's election laws. RSA 652:23. This includes, but is not limited to, responsibility for publishing the elections manual and procedures for conducting elections, RSA 652:22, and for prescribing the voter registration form, RSA 654:7. The Secretary, personally and through the conduct of his employees and agents, acted under color of state law at all times relevant to this action.

14. Defendant GORDON MACDONALD is the New Hampshire Attorney General and is named as a Defendant in his official capacity. He is authorized to impose and institute civil actions to collect civil penalties on individuals found liable for wrongful voting. RSA 659:34. He is also responsible for approving the elections manual and procedures for conducting elections. RSA 652:22. Attorney General MacDonald, personally and through the conduct of his employees and agents, acted under color of state law at all times relevant to this action.

JURISDICTION & VENUE

15. This Court has jurisdiction as the court of general jurisdiction in New Hampshire,

RSA 491:7, and this Court has jurisdiction to grant declaratory relief, RSA 491:22.

16. This Court has personal jurisdiction over Defendants, both of whom are sued in their official capacities and are elected or appointed officials in New Hampshire, and both of whom work and reside in the State of New Hampshire. RSA 510:2.

17. Venue is proper in this judicial district. Plaintiff LWVNH provides voter education in Hillsborough County, and its Greater Nashua unit has 40 members and a co-chair who reside in Nashua. The violations complained of have harmed and will, if unchecked, continue to harm the rights of those members domiciled in this district. Additionally, Plaintiff Adriana Lopera will reside in Nashua as of August 26, 2017. RSA 507:9.

STATEMENT OF FACTS

18. The New Hampshire Constitution guarantees that "[a]ll elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election." N.H. Const. Pt. 1, Art. 11. "Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile," and "[v]oting registration and polling places shall be easily accessible to all persons." *Id.* Thus, New Hampshire citizens who are 18 years or older have a constitutional right to vote where they are domiciled. *Id.*

19. Since the election laws were first codified in 1979, the General Court has implemented the domicile qualification in three ways. First, it has proffered a statutory definition of domicile, which is codified in RSA 654:1 (Voter; Officeholder) and 654:2 (Temporary Absence). Second, it has set forth procedures to determine whether a potential voter meets the domicile qualification and may register to vote. These procedures are codified in RSA 654:7 (Voter Registration, Voter Registration Form) and RSA 654:12 (Determining Qualifications of

Applicant). Third, it has defined the actions that constitute voter fraud and the penalties that a person is subjected to for committing voter fraud, which are codified in RSA 659:34 (Wrongful Voting; Penalties for Voter Fraud).

20. With SB 3, the General Court has changed the definition of domicile, placed additional procedural requirements on registrants to prove their domicile, and increased penalties for failing to meet those requirements. How these changes alter the laws that were in effect before the enactment of SB 3 is critical to understanding its burdensome impacts.

Overview of Voter Registration Laws in New Hampshire Before SB 3

21. RSA 654:1 defines domicile as "that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." While "a person has the right to change domicile at any time, . . . a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves." RSA 654:1, I. Also, "[a] student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements [above]." RSA 654:1, I-a.

22. RSA 654:2 states that "[d]omicile for purposes of voting is a question of fact and intention." Further, "[a] domicile for voting purposes . . . shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile," and domicile, "once existing, continues to exist until another such domicile is gained." *Id.*

23. New Hampshire is the only state in the entire country that requires in-person registration for most registrants. New Hampshire does not allow for registration by mail, except

under the limited circumstances where an individual cannot register in person because of a disability, temporary absence, or military service.[1] SB 3 does not change the requirements for proving domicile for any of these registrants.

24. Otherwise, all qualified citizens must register: (1) in person at their local clerk's office during normal business hours, RSA 654:8; (2) in person with the Supervisors of the Checklist (the "Supervisors")[2] at a special session for correction of the voter checklist, which takes place six to thirteen days before Election Day, RSA 654:11, 654:27; or (3) in person at their polling place on Election Day (i.e., same day registration), RSA 654:7-a. If voters move to a new town or ward, they must also re-register in person.

25. All registrants are required to fill out a voter registration form[3] and provide reasonable documentation of identity, citizenship, and age. RSA 654:7 and 654:12, I(a), (b). If they do not have acceptable documentation in their possession when registering, they can attest to their identity, citizenship, and age, under the penalties for voting fraud, by filling out a "Qualified Voter Affidavit" (if they are registering before Election Day) or executing a "sworn statement" on the voter registration form (if they are registering on Election Day). *Id.*

26. Before the enactment of SB 3, all registrants were also required to provide reasonable documentation of domicile. RSA 654:12, I(c). This included any documentation "which indicates that the applicant has a domicile and intends to maintain a domicile" in New

---

[1] Individuals who are unable to register to vote in person due to a disability or temporary absence may register using an "Absentee Registration Affidavit" by which they submit documentation and attest to both their qualifications to vote and their domicile. RSA 654:16, 654:17. Individuals unable to register to vote in person due to military service may apply to register using the federal official post card prescribed under federal law. RSA 654:20.

[2] The Supervisors manage New Hampshire's voter registration process. RSA 652:15. They are three individuals elected to serve a 6-year term in each New Hampshire town or ward. RSA 41:46-a. They manage all decisions on voter qualifications and additions to the voter "checklist." RSA 654:11.

[3] The voter registration forms for voters registering to vote prior to Election Day and those registering on Election Day were virtually identical before the enactment of SB 3. The only difference was that the Election Day form permitted applicants to complete a sworn statement, initialing next to boxes indicating that the form was executed for the purpose of proving identity, citizenship, age, and domicile. RSA 654:7, IV. This allowed Election Day registrants to avoid having to fill out a separate Qualified Voter Affidavit and a separate Domicile Affidavit (discussed *infra*), expediting the process on Election Day.

Hampshire. *Id.* Certain forms of documentation bearing the registrant's address—including a New Hampshire driver's license, resident vehicle registration, or federal photo ID—were presumptive evidence of domicile. RSA 654:12, II(a).

27. Critically, however, and as with the other voter qualifications discussed in paragraph 25 above, if registrants did not have acceptable documentation of domicile when registering to vote, they could attest to their domicile under the penalties for voting fraud by filling out a "Domicile Affidavit" or a sworn statement on the voter registration form. RSA 654:12, I(c). SB 3 eliminates the option of filling out a Domicile Affidavit or sworn statement.[4]

28. RSA 659:34 set forth the acts that constituted "wrongful voting" prior to SB 3's passage, and the penalties for the same. A person was subject to a civil penalty up to $5,000 if they: (1) purposely or knowingly made a false material statement regarding their qualifications to vote when voting, registering to vote, or submitting registration forms or affidavits; (2) voted more than once for any office or measure; (3) applied for a ballot in a name other than their own; (4) applied for a ballot after they had voted; (5) voted when they were not qualified; (6) gave a false name or answer while under examination as to their qualifications to vote; or (7) presented falsified proof of identity. RSA 659:34, I. A person was guilty of a class B felony for "purposely or knowingly" voting more than once or when they were not qualified and a class A misdemeanor for "purposely or knowingly" committing any of the other acts. RSA 659:34, II.

29. Under these laws, New Hampshire historically has had high voter turnout as compared to other states and virtually no instances of voter fraud.

---

[4] SB 3 does not change the responsibility of the Secretary to send a letter after an election to all voters who executed a Domicile Affidavit or sworn statement, informing them of driver's licensing and vehicle registration requirements. RSA 654:12, V(d). The Secretary is instructed to forward the names of persons for whom the letter is undeliverable to the Attorney General for further investigation into potential voting fraud. RSA 654:12, V(e).

Overview of SB 3

30. SB 3 (Chapter 205 of the 2017 Session Laws or "Ch. 205") amends one of the two statutes that define domicile (RSA 654:2) and both of the statutes that set forth procedures to determine whether a registrant meets the domicile requirement (RSA 654:7 and RSA 654:12). SB 3 also amends the voter fraud and penalties statute (RSA 659:34), to add a penalty—not for any act that the average person would understand to be voter fraud under common sense—*but for failing to comply with an arbitrary and unnecessary paperwork requirement.*

i. SB 3 Changes the Definition of Domicile to Require a "Verifiable Act" and Presumes That Those Who Recently Moved Are Not Domiciled

31. SB 3 adds a second clause to the sentence in RSA 654:2 so that it reads: "Domicile for purposes of voting is a question of fact and intention *coupled with a verifiable act or acts carrying out that intent.*" Ch. 205:1, I (emphasis added to reflect new language).

32. SB 3 also adds a new defined term to the statutes: "temporary purposes." Ch. 205:1, II(a). Under the new law, those who are present in New Hampshire for temporary purposes do not gain a domicile for voting purposes and therefore cannot vote. *Id.* Those who have been residing in a town or ward for 30 or fewer days are "presumed to be present for temporary purposes," unless they prove they are domiciled. Ch. 205:1, II(b). Temporary purposes include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family and friends, performing short term work, or volunteering or working to influence voters in an upcoming election. Ch. 205:1, II(c).

ii. SB 3 Imposes New Difficult Documentation Requirements

33. SB 3 requires all registrants to provide documentation proving they have taken a verifiable act carrying out their domiciliary intent. Ch. 205:1, II(d). It provides a non-exhaustive list of nine acts that, if documented, suffice to demonstrate that a registrant has an intent to be

domiciled at the address where they seek to register to vote: (1) "residency" at an institution of higher learning; (2) renting or leasing an abode; (3) purchasing an abode; (4) obtaining a New Hampshire motor vehicle registration, driver's license, or ID; (5) enrolling a child in a public school; (6) identifying the address on a tax form or other government-issued ID or form; (7) providing the street address to the U.S. Post Office as their permanent address; (8) obtaining public utility service at the address; or (9) arranging for a homeless shelter or similar service provider to receive mail. *Id.* If a registrant lives at an abode that is rented, leased, or owned by another, and the registrant's name is not listed on the rental agreement, lease, or deed, a written statement stating that the applicant resides at that address, signed by the owner or manager of the property under penalties for voting fraud (the "Landlord Affidavit"), can serve as acceptable documentation. Ch. 205:1, II(e). If a registrant has not taken one of the identified acts, the registrant may provide evidence of some other act if it "demonstrate[s] an intent to make a place his or her domicile." *Id.* The law is silent as to what other acts or documentation is sufficient.

34. SB 3 gives little guidance on precisely what paperwork will suffice. *See* Ch. 205:1, II(d), (e). Thus, individual town and city clerks, Supervisors, and polling place workers will be tasked with not only understanding the requirements of SB 3, but also clearly communicating them to registrants, and determining—largely on a case by case basis—whether paperwork proffered satisfies SB 3. This subjective decision-making is virtually certain to lead to varied and inconsistent results across the state and even within a single town or ward.

iii. SB 3 Imposes New Confusing Domicile Verification Procedures

35. SB 3 imposes a confusing domicile verification procedure for registrants and creates substantially different procedures for those who register more than 30 days before an election ("more than 30 days" registrants) and those who register within 30 days of or on Election Day ("within 30 days" registrants). *See* Ch. 205:5.

Domicile Verification Procedure for "More Than 30 Days" Registrants

36. First, if a "more than 30 days" registrant has a state or federal photo ID, a government issued check, benefit statement, or tax document with their domicile address, they must present that document to prove domicile and register to vote. Ch. 205:5, I(c)(1)(A). A registrant who has such a document, but does not bring it when seeking to register, cannot register unless or until they return and present the document. *Id.*

37. Second, if a "more than 30 days" registrant attests, under penalty of voter fraud, they do not have a state or federal photo ID, a government issued check, benefit statement, or tax document with their domicile address, they may present "reasonable documentation" establishing "it is more likely than not" that they are domiciled and intend to remain in New Hampshire "at least until election day." Ch. 205:5, I(c)(1)(B). "[R]easonable documentation" may include "evidence of" the nine verifiable acts discussed in paragraph 33 above. A registrant who has such documentation, but does not bring it when seeking to register, cannot register unless or until they return and present the documentation. *See* Ch. 205:5, I(c)(1)(A).

38. Third, if a "more than 30 days" registrant does not present documentation of domicile that a local election official deems acceptable, they cannot register. *See id.*

39. SB 3 entirely eliminates the Domicile Affidavit as an option for "more than 30 days" registrants who take the time to go to their local clerk's office to register and who are domiciled in their town or ward and qualified to vote, but who do not bring paperwork that meets the standard under SB 3. *See* Ch. 205:5, I(c) (removing form for Domicile Affidavit).

40. Notably, SB 3 does not alter the Qualified Voter Affidavit such that all registrants may continue to attest, under penalties for voting fraud, to their identity, citizenship, and age. *See* Ch. 205:5, I(a) (making no amendments to Qualified Voter Affidavit).

41. SB 3 leaves the pre-election day voter registration form, now applicable to "more than 30 days" registrants, largely unchanged (hereinafter "Voter Registration Form A"). *See* Ch. 205:2, IV(b). The form provides no guidance as to what acts a registrant must take or what paperwork they must provide to register under SB 3's confusing new domicile requirements. Unless prospective voters are provided clear instructions from election officials, read the language of SB 3 themselves, or are willing to make multiple trips to attempt to register, SB 3 is likely to leave many "more than 30 days" registrants confused and/or under the mistaken belief that they cannot register at all.

Domicile Verification Procedure for "Within 30 Days" Registrants

42. While the "more than 30 days" verification procedure mandated by SB 3 is confusing enough, the process for those attempting to register to vote "within 30 days" of an election is even more so.

43. If a "within 30 days" registrant has a state or federal photo ID, a government issued check, benefit statement, or tax document with their domicile address, or any "reasonable documentation" that is "evidence of" the nine verifiable acts discussed in paragraph 33 above, they must present it to register to vote. Ch. 205:5, I(c)(2)(A). If a "within 30 days" registrant does not present one of these types of documentation at the time of registration, they may only register and vote if they commit to using one of two post-election domicile verification methods, hereinafter referred to as the "Document Production Method" and the "Investigation Method."

44. The Document Production Method: If the registrant has any of the documentation described in paragraph 33 above, but does not bring it when registering, they must initial next to a paragraph on the voter registration form that is now applicable to "within 30 days" registrants (hereinafter "Voter Registration Form B"), acknowledging an obligation to present

documentation to the local clerk within 10 days after the election (or 30 days, if the clerk's office is open 20 hours per week or less). *Id.*[5] If they fail to meet that deadline, their domicile will be verified by the Supervisors after the election, as discussed below in paragraph 58. Ch. 205:1, V. Although registrants are not informed of this when filling out the Voter Registration Form B, they are also subject to civil and criminal penalties if they "knowingly or purposely" fail to provide the required documentation by the deadline. *See* Ch. 205:2, IV(c) and 205:5, I(c)(2)(A).

45. The Investigation Method: If a "within 30 days" registrant has no acceptable documentation of domicile at all, the registrant may register to vote by initialing next to a paragraph on the Voter Registration Form B acknowledging that their domicile may be verified by the Supervisors after the election, as discussed below in paragraph 58. Ch. 205:5, I(c)(2)(B).

46. If a "within 30 days" registrant has no form of documentation described in paragraph 33 or is too confused or otherwise justifiably unable to elect either of the post-election verification methods described above, they will not be permitted to register and vote.

47. SB 3 eliminates the sworn statement as an option for same day registrants who are domiciled in New Hampshire and qualified to vote, but do not bring paperwork that meets SB 3's requirements when attempting to register. *See* Ch. 205:2, IV(c) (removing ability to swear as to domicile). As noted, SB 3 does not eliminate the sworn statement in its entirety; registrants may still attest under penalties for voting fraud to their identity, citizenship, and age. *See id.* (making no amendments to ability to swear as to identity, citizenship, and age).

48. Those registering "within 30 days" of an election now must complete registration forms that SB 3 dramatically increased in length and complexity. *See* Ch. 205:2, IV(c), V.

49. The Voter Registration Form B requires registrants to state—under penalties of voting fraud—the precise date that they moved to the address they have provided as their

[5] The form does not inform the voter whether they are in a 10 or 30 day jurisdiction. Ch. 205:2, IV(b).

domicile. Ch. 205:2, IV(c).

50. The Voter Registration Form B also adds the following language setting out the Document Production Method and the Investigation Method for those who do not bring paperwork with them to register, *id.*:

> I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.
>
> I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).
>
> ______ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.
>
> Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.
>
> I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:
>
> ______ By placing my initials next to this paragraph, I am acknowledging that I am aware of no documentary evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.

51. After that language on the Voter Registration Form B, registrants must sign the form under the following statement, *id.* (emphasis in original):

> I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I